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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,763	03/22/2004	Tim Forrester	UP1 00116	2438
32968	7590	06/27/2005	EXAMINER	
KYOCERA WIRELESS CORP.			NGUYEN, KHAI M	
P.O. BOX 928289			ART UNIT	
SAN DIEGO, CA 92192-8289			PAPER NUMBER	
			2819	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary	Application No.		Applicant(s)	
	10/806,763		FORRESTER ET AL.	
	Examiner		Art Unit	
	Khai M. Nguyen		2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/22/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The application has not been checked to the extent necessary to determine the presence of all possible typographical and grammatical errors. However, Applicant's cooperation is requested in correcting any errors of which he/she may become aware in the application.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim objections

3. Claims 1, 8, and 14 are objected because the claims contain the phrase "the device" (see line 2 of claim 1, and line 3 of claim 8 & 14) which is unclear to the examiner/reader (which device do the applicants refer it to?). Clarification/correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 14, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cyan et al. (US 5,564,086) (hereinafter referred to as "Cyan").

Regarding claims 1-2, Cygan discloses an apparatus (see Fig. 1), wherein the apparatus includes a directional device (directional coupler 112) having detector means (diodes) (Cygan et al. used the term sampler) for sampling/ measuring/ detecting/ sensing (these terms have equivalent meaning in the art) a transmit/forward (114) power and a reflected/ reversed power (115) to produce a feedback control signal (120). This feedback control signal is used to adjust the variable matching network, such that an operating characteristic of the apparatus/transmitter is enhanced (column 2, lines 55+; and column 4, lines 1-51).

Regarding claims 3-4, Cygan discloses the directional coupler is isolator/circulator that provides unidirectional flow of the RF energy (col. 1, lines 45-49).

Regarding claim 14, Cyan discloses a communication device, wherein the device comprises a mismatch detector (110/112) having a directional device (112) coupled signal across the communication device, wherein the directional device having detector means/functions that are cable of measuring/sensing/detecting both transmit/forward (114) and reversed/reflected power (115), and the mismatch detector coupled to a matching network/circuit (111) and adapted to modify/adjust the impedance of the matching circuit (column 2, lines 63-68), and a power amplifier (104) coupled to the directional device and configurable to amplify communication signals (see Fig. 1).

Regarding claims 15-16, Cyan discloses the amplifier is configured to amplify transmit/receive signals from the source 102.

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5. Claims 1-4, are 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sroka et al. (US 5,778,308) (hereinafter referred to as "Sroka").

Regarding claims 1-2, Sroka discloses a mismatch detector (see Figs. 3A-3C), including a directional device (coupler 33); detectors (34/36 – column 3, lines 57-58) for sampling/ measuring/ detecting/ sensing a transmit/forward (forward path) power and a reflected/reversed power (return path) to produce feedback control signals (to the matching network 31).

Regarding claim 3-4, Sroka discloses the directional device (33) includes circulator/isolator.

Regarding claim 8, Sroka discloses a wireless device, Fig. 1, comprising a match detector (Figs. 3A-3C), wherein the match detector comprises: a directional device (33), detectors (34/36), a matching circuit (31), an antenna (17), a transceiver (Fig 1) coupled to the antenna through the matching circuit, a control block coupled to the transceiver, a memory block (in the processing circuit 21), an input device (the phone key pad) coupled to the control block and configure to receive input from a user (the phone user when dialing), a power source/supply (battery) coupled to the control block for supplying a power/signal to the control block (Figs. 1-2).

Regarding claims 9-13, Sroka discloses (Fig. 1) the wireless device/system is a mobile wireless device (the phone system), including a base station (16).

Regarding claims 14-16, Sroka discloses a communication device (Fig. 1) including the claimed mismatch detector, wherein the detector comprising: a directional

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device (33), detectors (34/36 or 134) for detecting transmit and reflected power, and an amplifier unit (22/24) for amplifying transmit and/or received signals (Figs. 1-2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sroka et al. (US 5,778,308) in view of Lurey et al. (US 4,019,150). Sroka discloses the claimed invention of claim 1 except for the directional device includes a circulator, wherein the output of the circulator is coupled to a slow wave structure (multiple detectors). Lurey et al. teaches a communication device having a directional device, and the directional device includes a circulator (25) and power detectors (31/47), wherein the output of the circulator is coupled to the power detectors (Fig. 2). Therefore, it would have been obvious to one person having ordinary skilled in the art as the time the invention was made to replace/substitute the directional device (33) with the directional device as taught by Lurey for provide further protection to the communication device (column 2, lines 20+).

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclose (see the references cited on the PTO-892 Form attached).

Contact Information

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571-272-1809. The examiner can normally be reached on 9:00 - 5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert (Bob) J. Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KN
June 20, 2005


PEGUY JEANPIERRE
PRIMARY EXAMINER